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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,047	12/01/2003	Binh T. Lu	061151-9010-00	2957
23409	7590	03/17/2005	EXAMINER	
MICHAEL BEST & FRIEDRICH, LLP			CAPUTO, LISA M	
100 E WISCONSIN AVENUE			ART UNIT	
MILWAUKEE, WI 53202			PAPER NUMBER	
			2876	

DATE MAILED: 03/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

2

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/725,047	Applicant(s) LU ET AL.	
	Examiner Lisa M. Caputo	Art Unit 2876	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 February 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1,3-7,11-20 and 22-28.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
 13. ☐ Other: _____.



DIANE I. LEE
PRIMARY EXAMINER

Continuation of 3. NOTE: The additional limitation of "without an onboard power supply" (or "does not include an onboard power supply") that was inserted into each of the independent claims (claims 1, 11, and 19) is a new issue that was not considered prior to the final rejection and hence requires further consideration and search.

Continuation of 11. does NOT place the application in condition for allowance because: The arguments were not persuasive. In response to the applicant's arguments pertaining to claim 1, that Conwell does not teach the deficiency of Tuttle, examiner respectfully disagrees and submits that Conwell does indeed teach the deficiency of Tuttle (i.e. the use of passive RFID systems). Tuttle discloses the use of an RFID system in a postage stamp, and although discusses further an active RFID system, still indeed teaches that a passive system exists and can be utilized, which is further strengthened by Conwell, who teaches a label where a passive RFID system is indeed utilized. Hence, the combination of Tuttle and Conwell do indeed teach the limitations of the claims as they were presented prior to final rejection. The arguments that pertain to the additional limitation of not having an onboard power supply (claims 1, 11, and 19) and the limitation of "as the stamp or other product is dispensed" (claim 11) are not considered because these limitations were not considered prior to the final rejection and hence raise new issues that require further consideration and search. In response to applicant's arguments that the secondary references used to teach the limitations of the dependent claims are incorrectly cited and combined, examiner respectfully disagrees and submits that each reference is used to teach a specific limitation not covered in the primary references, and that each of these references are appropriate and work to further enhance the base system. There is indeed motivation to combine these references because they are within the same field and allow for a more comprehensive system.